

**REMARKS**

Reconsideration and allowance of the claims in the application are requested.

Claims 1-39 are in the case. Claims 1 – 5, 10 – 20, and 23 –27 have been rejected under 35 USC 103 (a) based on Murphy, of record in view of Walker, of record. Claims 6 – 9 have been rejected under 35 USC 103 (a) based on Murphy, of record, in view of Walker, of record and in further view of Twining, of record. Claims 21-22 and 28 have been rejected under 35 USC 13 (a) based upon Murphy, of record in view of Walker, of record and in further view of Matasuzawa, of record. Claims 30 – 36 have been rejected under 35 USC 103 (a) based upon Murphy, of record in view of Walker, of record and in further view of Godfrey, of record. Claims 37 – 39 have been rejected under 35 USC 103 (a) based upon Murphy, of record in view of Walker of record and in further view of Godfrey, of record and Tobin, of record.

Applicants have canceled independent claims 1, 13, 24 and 30 and combined them with canceled dependent claims 1, 5, 7, 12, 13, 24, 34, and 35, as new claims 40 – 43, respectively, as follows:

Claim 1 has been combined with canceled dependent claims 7 and 26; as new claim 40.

Claim 13 has been combined with canceled claim 12; as new claim 41.

Claim 24 has been combined with canceled dependent claim 5 and 24, as new claim 42.

Claim 30 has been combined with canceled dependent claims 34 and 35, as new claim 43.

Claim 44 has been added to describe remote editing of an image to include descriptive text of a geographical location associated with the image.

Applicants' attorney thanks Supervisory Patent Examiner D. Popovici and Examiner H. Mahmoudi for the courtesy of a telephone interview conducted February 4, 2004. The title of the invention was discussed as being too broad and should be limited to camera devices. Applicants' attorney agreed to change the title and limit the invention to camera devices, methods, etc. Claims 40 – 42 were discussed. Applicants' attorney pointed out that none of the cited references

disclose or suggest a camera communicating images including geographical locations to a server for programatically incorporating a textual description of the image based upon the geographical location of the image and user intervention and control. The Interview Summary of February 4, 2004 indicates the Examiners understood Applicants' invention to incorporate textual description into images without user intervention, which is not the case. The prior art adds text to images without user intervention. Applicants' invention describes the user editing the textual description for the images. See the specification at page 10, line 5, continuing to page 11, line 2.

Applicants respond to the indicated paragraphs of the Office Action, as follows:

**REGARDING PARAGRAPHS 1 – 3:**

Independent claims 1, 13, and 24 have been replaced by New Claims 40, 41, and 42, respectively, and include elements not disclosed in Murphy and Walker, as follows:

A. Claim 40:

- (i) “a server in the network for storing descriptive text of objects of interest;”

Murphy stores descriptive text of images in the camera. Col. 10, line 66. continuing to Col.11, Line 6. Walker discloses a text generator stores descriptive text. Col. 5, Line 21 – 36. Neither Murphy nor Walker discloses a network server storing descriptive text of objects of interest. See the specification at page 8, line 22 continuing to page 9, line 4.

- (ii) “means for communicating with and accessing the server for programatically correlating and recording the digital image with geographical location and descriptive text associated with the object of interest in a medium under user control”

Murphy discloses a playback unit coupled to the camera to receive audio/image data from the camera to output selected audio streams, display images locations, icons. See col. 10, Lines 6 – 21. Walker discloses a master controller controlling the assembly of images and text. Col. 3, Lines 21 – 36. Neither Murphy nor Walker discloses a server programatically

correlating images and descriptive text. See specification at page 8, line 16 continuing to page 9, line 4 and shown in Figure 4.

Without a disclosure of a server in a network storing descriptive text and programtically adding the text to the images under control of a user, there is no basis for a worker skilled in the art to implement Claim 40. The rejection of claim 40 fails. Entry of claim 40 and allowance thereof are requested.

B. Claims 41 and 42:

Claims 41 and 42 are the system and program product versions of Claim 40 and are patentable on the same basis as Claim 40.

C. Claim 2:

(i) "...data processing means responsive means to control means for receiving and converting optical information of the image and correlating the location and environmental information with the contents of the image into compressed digital form for storage in the local memory."

Murphy at Column 13, lines 10-13, describes an optical system and focusing mechanism responsive to an indexing unit 140 converting object images into digital image data. In contrast, Stern discloses digital processing system responsive to camera-controlled logic to capture the current image at a location and environmental information for storage in the memory. Murphy fails to disclose a data processing system; camera control logic, and the storage of the optical data in local memory with geographical and environmental information.

D. Claim 3: Claim 3 further limits Claim 40 and is patentable on the same basis thereof.

E. Claim 4:

(i) "...a network interface to a database responsive to a user for selecting the stored descriptive text related to the object of interest recorded in a digital image."

Murphy at Column 6, lines 62-65, discloses a digital mapped database to be viewed on the viewer with an icon showing the user's current position on the map. In contrast, Stern discloses an interface 208 links the camera to a network enabling the user to access a server to obtain stored descriptive text for recording in the digital image. (Page 10, lines 17-20) Murphy and Walker fail to disclose a network interface to a database enabling a user to select descriptive text relative to a digital image.

F. Claim 5:

Claim 5 has been canceled and combined with Claim 24 as New Claim 42

G. Claim 10:

(i) "...the device of Claim 40 wherein said means of communicating includes wireless communications."

Murphy at Column 19, lines 29-32, discloses cameras including a position determining system linked to a GPD single receiver processor via a wireless link. In contrast, Stern discloses the camera linked to a network via a wireless link. Murphy and Walker fail to disclose a camera communicating with an external server via a wireless network link.

H. Claim 11:

(i) "...a terminal coupled to the network and responsive to a user input to obtain, select, display and record the stored image of the object of interest, with or without geographical location and descriptive text in the medium."

Murphy at Column 10, lines 66 through Column 11, line 19, discloses positioning a pixel or an image name on a menu and displaying the image contained in the related file. Murphy at Column 6, lines 31-36, discloses the image may be processed by a remotely located digital processing system. Murphy discloses geographical location data is displayed at the camera but not recorded in the image. There does not appear to be any disclosure in Murphy for recording the image in a picture as described at page 9, lines 1-7. Murphy modified by Walker fails to disclose or suggest a terminal (PC) responsive to a user for selecting and displaying digital images with textual description and geographical coordinates.

I. Claim 12 & 13 have been canceled and combined as Claim 41 patentable on the same basis as Claim 40, discussed above in Paragraph B.

J. Claim 14:

Claim 14 further limits Claim 41 and is patentable on the same basis.

K. Claims 15 and 25:

Claims 15 and 25 further limit Claim 40 and Claim 41, respectively and are patentable on the same basis thereof.

L. Claim 16:

(i) "...selecting the stored descriptive text related to the object of interest at the geographical location to be recorded in a digital image."

Walker at Column 2, lines 6-69, and Column 5, lines 46 through Column 6, line 7, describes collecting images of a customer at different cameras located at different geographical positions based on a detector responsive to a tag or card carried by the customer. A master controller selects the images and text for producing a tape containing images and text. In contrast, Stern uses a single camera to record the images and the camera controls the selection of descriptive text for the images. Walker requires the customer to carry a tag or card to activate the camera. Stern does not require tag or card to record a customer image. Walker does not provide the missing element in Murphy because the stored descriptive text related to the object of interest is not selected by the camera and is not provided unless the customer carries an identification tag. Moreover, the combination of Murphy and Walker would be inoperative because Walker requires the customer to register identification and information data prior to activating the camera. See Column 4, lines 10-15.

M. Claim 17:

Claim 17 further limits Claim 41 and is patentable on the same basis thereof.

N. Claims 18 :

Claim 18 has been canceled and combined with claim 13 as new claim 41. Claim 18 is patentable on the same basis as claim 41.

O. Claims 19 & 27:

(i) “...collecting and storing environmental conditions related to the image for recording in the medium.”

Murphy at Column 8, lines 26-29, discloses authentication of an image by comparing the position information with stored position information. The cited text lacks any disclosure related to collecting and storing environmental conditions related to the image.

P. Claim 20:

(i) “connecting and providing to a network using network protocols, the image, geographical location, and environmental conditions of the object of interest stored in the image-collecting device for processing and recording in a medium by the network.”

Walker discloses a plurality of cameras connected to a central storage system for downloading images actuated by a customer carrying a tag. The images do not contain geographical location and environmental conditions. The customer inputs this information to the central processing system before the images are captured. Moreover, the downloading is transmitted via collection network, which does not disclose or require the use of network protocols to communicate the images to the central storage system. Murphy as modified by Walker fails to disclose a camera connecting to a network using network protocols and providing images with geographical location and environmental conditions for processing and recording in a medium by the network.

Q. Claim 23:

(i) “...editing the image to include the related geographical location and descriptive text.”

Murphy at Column 4, lines 26-37, discloses editing the image for /authentication purposes, and does not describe editing the image to include geographical location and descriptive text related to the image. Nor does Walker disclose the camera editing the image to include geographical location and descriptive text, as described in the specification at page 8, line 16 continuing to page 9, line 7. Murphy modified by Walker fails to disclose the camera actively editing the image at a remote processing station.

R. Claims 24 and 26:

Claims 24 and 26 have been canceled and combined with claim 5 as new claim 42, patentable on the same basis as claim 40, described in Paragraph B, above.

S. Claim 25:

Claim 35 further limits 42 and is patentable on the same basis thereof

T. Claim 27:

Claim 27 has been considered above with claim 19 in Paragraph O, above:

**REGARDING PARAGRAPH 4:**

Claims 6-9 include elements not disclosed, suggested or taught by Murphy in view of Walker and Twining, as follows:

A. Claim 6 :

(i)"...environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium."

Twining at column 2, lines 31 – 38 discloses a portable data gathering device for recording data and once recorded, may be exchanged with a network server through a connection with a personal computer or from its' remote data gathering location. Twining does not store descriptive text of an image. Nor does the server store descriptive text of an image. Thus, Twining fails to supply the missing element in Murphy as modified by Walker. In any case, claims 6 and 7 further limit claim 1 and are patentable on the same basis.

B. Claim 7:

Claim 7 has been canceled and combined with claims 1 and 26, as new claim 40..

C. Claim 8:

(i)"...wireless means for connecting and providing to the network the geographic location and conditions of the object of interest stored in the memory for processing and recording in a medium by the network."

Murphy at Column 19, lines 29-32, discloses a camera linked to a GPD receiver/processor by a cable link or wireless link. Murphy fails to disclose a wireless link connecting a camera to a network for processing, recording geographical location and conditions of an image stored in a camera for incorporation in a medium by the network. Nor do Walker and Twining disclose a wireless link providing a network with geographic location and conditions stored in a camera for processing by the network. The cited references fail to disclose the elements of claim 8.

D. Claim 9:

(i)"...a terminal coupled to the network and responsive to a user to obtain, display and record the geographical location and descriptive text in the medium."

Murphy at Column 6, lines 31-36, discloses an image processing system in a camera for processing images within the camera or at a remote processing station. Murphy fails to disclose the terminal is responsive to user input to obtain, display and record geographical location and descriptive text in a medium. Nor do Walker and Twining disclose a user inputting geographical location and descriptive text of an image for recording in a medium. The cited references fail to disclose the elements of claim 9.

**REGARDING PARAGRAPH 5:**

Claims 21-22 and 28-29 include elements not disclosed in Murphy in view of Walker and Matsuzawa, as follows:



A. Claim 21:

(i) “storing thumbnail images related to objects of interest in the remote data processing system according to geographical location coordinates.”

Matsuzawa at column 8, line 62 through column 9, line 13 stores thumbnail images in a database based on in and out time code values. There is no disclosure in Matsuzawa related to storing images in a database using geographical coordinates of the images. The in and out time code coordinates in a database are not equivalent to geographical location coordinates of an image. Moreover, there is no disclosure in Matsuzawa of storing thumbnail images in a remote data processing system. Murphy modified by Walker and Matsuzawa discloses storing thumbnail images in a database and retrieving them based on in and out time codes within the database. In contrast, Stern discloses storing and retrieving thumbnail images in a remote data processing system according to geographical location coordinates of the images. Murphy modified by Walker and Matsuzawa fails to disclose the elements of claim 21.

B. Claim 22:

(i) “...transmitting geographical location coordinates of an object of interest to the remote data processing system; receiving a thumbnail image related to the geographical location coordinates from the remote data processing system; and recording the related thumbnail image in the medium.”

Matsuzawa uses thumbnail images from within the data processing system, and does not transmit geographical locations of thumbnail images to a remote data processing system. Nor does Matsuzawa disclose transmitting the thumbnail image or putting the thumbnail image in a medium

C. Claims 28 & 29:

(i) “...program instruction in the medium for accessing thumbnail images of objects of interest in the remote data processing system according to geographical location coordinates.”

Matsuzawa at Column 10, lines 15 -21, discloses retrieving a thumbnail from a management table. A CPU obtains the object id, checks the id of the management table and obtains the location information; in and out time codes, and displays a thumbnail on the display device. The thumbnail is not displayed according to geographical location coordinates, but location coordinates in time codes within a database. Time codes as location coordinates in a database are not equivalent or suggest geographical coordinates of an image. Matsuzawa fails to supply the missing element in Murphy as modified by Walker relating to accessing thumbnail images according to geographical location coordinates.

**REGARDING PARAGRAPH 6:**

New Claim 43 combines Claim 30, 34 and 35 and includes element not disclosed in Murphy in view of Walker and Godfrey, as follows:

A. Claim 43:

(i) “means for providing the geographical location coordinates to a network and obtaining images from the network according to the geographical location coordinates;”

Murphy at Column 7, lines 49-57, discloses accessing images within the camera via a hyperlink digital image location data file. Murphy fails to disclose accessing images stored in a network according to geographical location coordinates.

(ii) “means for accessing images stored in the network according to the geographical location coordinates;”

Murphy at Column 7, lines 49-57, discloses accessing images within the camera via a hyperlink digital image location data file. Murphy fails to disclose accessing images stored in a network according to geographical location coordinates.

(iii) means for incorporating in an electronic message transmitted over the network at least one of the images obtained from the network.

Godfrey at Column 5, lines 45-57, and Column 20, lines 40-42, discloses a redirector application converting a meeting request into an email with an attachment containing the meeting details. The redirector sends an email with the attachment to a user for acceptance or declining the meeting request. The response is sent in an email to the sender of the meeting request. Godfrey fails to disclose an image obtained from the network and incorporated into in an electronic message sent over the network.

Summarizing, Murphy, Walker and Godfrey all fail to disclose sending an email over a network with an image obtained from the network according to the geographical location coordinates of the image. Murphy and Walker do not disclose sending an email including an image over a network. Godfrey discloses a push information system sending email messages containing meeting requests, which are not images or pictures, based on geographical coordinates. Godfrey does not supply the missing elements in Murphy and Walker.

B. Claim 31:

(i) "...The system of Claim 43 wherein the geographical location coordinates provided to the network are the geographical location coordinates of the terminal creating the message."

Murphy at Column 10, lines 37-40, discloses the location of icons on a map corresponding to geographical locations of images in a display. Murphy fails to disclose providing a network the geographical location coordinates of an image whereby the geographical location coordinates are those of the terminal creating an electronic message. Murphy and Walker as modified by Godfrey fail to disclose the elements of claim 31.

C. Claim 32:

(i) "...The system of Claim 43 wherein the geographical location coordinates are established at the completion of the creation of the electronic message."

Murphy at Column 11, lines 66 to Column 12, line11, discloses downloading image data from a camera to a playback unit via download connections. The playback unit enables the user to view the selected images represented by icons. There is no disclosure in

Murphy and Walker or Godfrey relating to providing the network with the geographical location coordinates at the completion of the creation of the electronic message. Murphy and Walker as modified by Godfrey fail to disclose the elements of claim 32.

D. Claim 33:

(i) "...The system of Claim 43 wherein the geographical location coordinates are established at the start of the creation of the electronic message."

Murphy and Godfrey fail to disclose establishing the geographical location coordinates in the electronic message at the start of the creation of the electronic message for similar reasons indicated in distinguishing Claim 32 from Murphy and Godfrey.

E. Claim 36:

Claim 36 is a method form of Claim 30 and is patentable over the cited references on the same basis as Claim 30.

**REGARDING PARAGRAPH 7:**

Claims 37-39 include elements not disclosed in Murphy in view of Walker and Godfrey, and in further view of Tobin, as follows:

A. Claim 37:

(i) "...The method of Claim 36 wherein the obtained images are provided as part of advertising."

Tobin at column 7, lines 55 – 67 discloses a web site page that displays images of gift suggestions not incorporated in an electronic message but in response to an electronic message. Tobin does not supply the missing element in Murphy, Walker and Godfrey because the obtained images are not related to geographical location coordinates.

B. Claim 38:

(i) "...offering the images to users in a prioritized manner based on the amount of payment associated with each image."

Tobin at column 7, lines 47-54, discloses displaying various web site pages providing information on purchasing options through hyperlinks. Tobin does not suggest supplying images to users in a prioritized manner based on the amount of payment associated with each image. Tobin fails to supply the missing element in Murphy and Walker in view of Godfrey related to supplying images related to geographical coordinates. .

C. Claim 39:

(i) "...providing the sender of an electronic message an incentive to include an advertising image in the message."

Claim 39 depends upon Claim 36, which relates to electronic messages incorporating images from a network based on geographical location coordinates. Tobin relates to web pages offering product options for purchase. Tobin fails to disclose the web site pages are generated according to geographical location coordinates for incorporation in an electronic message. Tobin does not supply the missing element in Murphy and Walker in view of Godfrey.

Summarizing, Murphy, Walker, Matasuzawa, Godfrey and Tobin, alone or in combination, for the reasons discussed above, fail to disclose or suggest: (1) electronic messages as advertising; (2) storing images in a network according to geographical coordinates (3) downloading images from the network and incorporating the images in the electronic messages based on geographical coordinates selected by a user; (4) offering the images to users based on the amount of payment, and (5) providing users incentives to include images in electronic messages.

**REGARDING PARAGRAPH 8:**

Applicants have incorporated into claims 1, 13, 24 and 30 (now 40, 41, 42, and 43, respectively ) limitations in dependent claims the Examiner alleges were not in claims 1, 13, 24 and 30. In addition, Applicants have further amended claims 40 –43 to describe a server programatically adding descriptive text to images based upon geographical coordinates associated with the images under the control of a user. Applicants submit the Examiner's remarks in Paragraph 8 have been overcome by the combination of independent claims with selected dependent claims and further amended to include features not described in the cited art.

**PATENTABILITY SUPPORT FOR NEW CLAIM 44:**

Claim 44 describes a user controlling the editing of an image transmitted to a server programatically adding descriptive text of the image at a geographical locations associated with the image. ..Murphy transmits an image to a playback and recording unit for cropping the image, not adding text associated with a geographical location. Walker discloses a master controller, not a user, combining text and image for a geographical location . Neither Murphy nor Walker or the other cited references disclose a user transmitting an image to a server programatically combining image and descriptive text at an associated geographical location under control of the user.

**CONCLUSION:**

In view of New Claims 40 – 43, replacing canceled claims 1, 13, 24 and 30; further amending the new claims to include features not shown in the cited art, and supporting the patentability of New Claim 44, Applicants submit that the cited art has been overcome. Allowance of claims 2-4, 6,; 8-11; 14-123 19 – 23; 25 - 29; 31 – 33; 36 – 44 and passage to issue of the application are requested.

**AUTHORIZATION:**

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 50-0510, Order No. YOR9-2000-0301 (1963-7393).

Respectfully submitted,

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